IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1038 of 2005

Between:

1. The Depot Manager, APSRTC, Machilipatnam Depot,

Machilipatnam, Krishna District
2. The Depot Manager, APSRTC, Avanigadda Depot,

Avanigadda, Krishna District

..... PETITIONERS

AND

1. Sri M. Subba Rao, E.52380, Conductor, APSRTC,

Avanigadda Depot, Krishna District
2. The Labour Court, Guntur, Rep by its Presiding Officer

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly in the nature of *Writ of certiorari* calling for the records relating of docket order dated 10-11-2004 in MP No. 130/2001 on the file of Labour Court, Guntur and set aside the same as arbitrary, illegal.

Counsel for the Petitioner: MR.R.MANMADHA REDDY

Counsel for the Respondents: GP FOR LABOUR

The Court made the following:

ORDER:

Challenging the docket order dated 10.11.2004 passed in M.P.No.130 of 2001 on the file of the Labour Court, Guntur, the present writ petition is filed.

2. Learned counsel appearing for the petitioner-Corporation contended that the Court below without assigning any reasons, passed the impugned order and, therefore, it is liable to be set aside.

3. Learned counsel appearing for the first respondent opposed the same and contended that as per the award, the petitioner is entitled for the benefits.

4. The docket order passed by the Court below reads as under:

> "The decision of the Supreme Court in APSRTC v. NARSA GOUD 2003 (I) LLJ 816 is not applicable to the present case. Hence, the respondent is directed to grant notional increments to the petitioner from the date of removal till the date of reinstatement except two increments with cumulative effect, and fix the pay of the petitioner as on the date of reinstatement after giving notional increments and pay arrears of pay within two months.
>
> For payment call on 28.1.2005."

5. That a reading of the above docket order would go to show that the learned judge has not assigned any reasons as to how the petitioner is entitled for notional increments. There cannot be any dispute that the Tribunal is expected to record reasons while passing the order. As the learned Judge passed the impugned order without assigning any reasons, the order under challenge suffers from serious legal infirmities and is liable to be set aside.

6. In the result, the writ petition is allowed and the matter is remitted to the second respondent with a direction to dispose of M.P.No.130 of 2001 on merits, after affording opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. No costs.

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(K.C. BHANU, J)

Date: 07.06.2005

Ksn

This Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Justice Bilal Nazki , the Acting Chief Justice on this the 7th day of June Two thousand and five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Sri M. Subba Rao, E.52380, Conductor, APSRTC,

Avanigadda Depot, Krishna District
2. The Presiding Officer, Labour Court, Guntur,

3. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

4. 2 CD copies

5. 1 CC to MR.PRABHAKAR RAO

Form-NIC-OGS/WP{*RLD****}***